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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,691	03/02/2000	Mick Dekeyser	Q058016	5083

7590

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EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/517,691

Applicant(s)

DEKEYSER, MIEK

Examiner

Annan Q Shang

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by **Tak-Shing P Yum (IEEE TRANSACTIONS ON COMMUNICATIONS, VOL. 39, NO. 8, AUGUST 01, 1991).**

As to claim 1, note the **Tak-shing P Yum** reference figure 1, discloses Hierarchical distribution of video with dynamic port allocation and further discloses a broadcasting unit for broadcasting in an access network channels of a distributive service to a plurality of user terminals. The claimed broadcasting unit comprising...is met as follows: the claimed "channel selecting means..." is inherent to Local Switches K (LS-K), note figure 1 and page 1268, col. 2, subtitle "II. System Architecture," lines 1- page 1269, note that the Central Switch (CS) broadcasts video programs and allocates circuits for interactive video to LS-K, "broadcasting unit," where LS-K selects from among available channels at an input of LS-K the channels to be broadcast and "channel broadcasting means" inherent to LS-K broadcasts the selected channels to the subscribers in their respective regions; At LS-K "a request receiving means," "a request

handling means," "a request generating means" and "a request transmitting means" all inherent to LS-K performs these functions; when the customer turns on his TV Set to select a particular program or channel with the remote control unit, the selection is transmitted to LS-K, if the "request handling means" at LS-K checks if the requested program is currently being transmitted and sends a copy to that customer, on the other hand if the customer is the first one in the region to request for that program, LS-K sends a signal "generates second type request" indicative for the unavailable requested program or channel to CS to ask for a copy and passes it on to the customer, note page 1269, col. 1, paragraph beginning "Let us first..."

As to claims 2 and 3, Yum further inherently teaches where the LS-K is adapted to generate the second type request information in accordance with a standard zapping protocol already used for the first type request information and also using a standard signaling protocol, note page 1269, col. 1, paragraph beginning "Let us first...."

As to claim 4, Yum further discloses where the access network comprising a plurality of LS-Ks as defined organized in multi-level topology, note figure 1.

As to claim 5, note the **Tak-shing P Yum** reference figure 1, discloses Hierarchical distribution of video with dynamic port allocation and further discloses access network enabled to broadcast channels of a distributive interactive service to a plurality of user terminals. The claimed access network comprising...is met as follows: the claimed "first broadcasting unit..." is met by Central Switch (CS), note figure 1 and page 1268, col. 2, subtitle "II. System Architecture," lines 1-page 1269, note that the Central Switch (CS) broadcasts video programs within the various channels "plurality of

television channels” and allocates circuits for interactive video to Local Switches (LS-K), “second broadcasting unit” located closer to a plurality of subscriber terminals within the respective regions and is supplied at the input with a limited selection of channels chosen from the plurality of television channel, when the customer turns on his TV Set to select “generates a first type of requests” a particular program or channel with the remote control unit, the selection is transmitted to LS-K, the “request handling means” at LS-K checks if the requested program is currently being transmitted and sends a copy to that customer, on the other hand if the customer is the first one in the region to request for that program, LS-K sends a signal “generates second type request” indicative for the unavailable requested program or channel to CS to ask for a copy or channels not within the limited selection of channels and passes it on to the customer, note page 1269, col. 1, paragraph beginning “Let us first....”

As to claim 6, Yum further discloses where the limited selection of channels is modified based on the first type request from the user terminals, note page 1269, col. 1, paragraph beginning “Let us first....”

As to claim 7, a Yum further discloses where plurality of the LS-Ks are coupled to the CS, note figure 1

As to claim 8, further discloses where the LS-K “broadcasting unit” comprises the claimed “a channel selector...” is inherent to Local Switches K (LS-K), note figure 1 and page 1268, col. 2, subtitle “II. System Architecture,” lines 1-page 1269, note that the Central Switch (CS) broadcasts video programs and allocates circuits for interactive video to LS-K, where LS-K selects from among available channels at an input of LS-K

channels to the subscribers in their respective regions; At LS-K "a request receiver," "a request handler," "a request generator" and "a request transmitter" all inherent to LS-K performs the functions; when the customer turns on his TV Set to select a particular program or channel with the remote control unit, the selection is transmitted to LS-K, the "request handling means" at LS-K checks if the requested program is currently being transmitted and sends a copy to that customer, on the other hand if the customer is the first one in the region to request for that program, LS-K sends a signal "generates second type request" indicative for the unavailable requested program or channel to CS to ask for a copy and passes it on to the customer, note page 1269, col. 1, paragraph beginning "Let us first...."

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection discussed above. The claims, as amended, such as the removal of "adapted for" clauses, have changed the scope of the claims, and necessitated the new ground(s) of rejection above. The drawings filed on 03/02/00, are also accepted. This is a **Final Office Action**.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cunningham et al (6,378,131) disclose local upstream hub for one-way cable system cable data/video/services requests.

Hoarty (5,883,661) discloses output switching for load leveling across multiple service areas.

Watson, Jr. et al (5,812,928) disclose cable television control apparatus and method with channel access controller at node of network including channel filtering system.

Wang (5,280,630) discloses method and apparatus for dynamic channel allocation.

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on 700am-500pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone numbers

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for the organization where this application or proceeding is assigned are **703-746-5991**

for regular communications and **703-746-5991** for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service whose telephone number is **703-306-0377**.



**Annan Q. Shang**  
July 28, 2003.



**JOHN MILLER**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600